



ORIGINAL

EX PARTE OR LATE FILED

Jim Bugel • Executive Director • phone 202.419.3004 • fax 202.419.3030

September 16, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

RECEIVED

SEP 16 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: **Ex Parte** WT Docket No. 02-100

Dear Ms. Dortch:

On September 11, 2002 issues related to the above referenced proceeding were discussed over the phone between Gary Oshinsky of the Wireless Telecommunications Bureau and Jim Bugel of Cingular Wireless ("Cingular").

Jim Bugel indicated that Cingular and other CMRS carriers were concerned that the current position of Anne Arundel County, Maryland ("County") is that the ordinance becomes effective on September 11, 2002. This means that carriers are required to submit to the County certification information on cell site RF interference compliance. Mr. Bugel also informed Mr. Oshinsky that the County was asked but declined, to stay the effectiveness of the Ordinance pending the FCC's action on Cingular's Petition for a Declaratory Ruling (filed April 23, 2002) which asks the Commission to confirm states that the Communications Act preempts the authority of the County to impose this burdensome obligation.

Additional, Mr. Bugel stated that it is essential that the FCC take expedited action on Cingular's petition, because if the County initiates enforcement action against no-complying carriers, the FCC will become embroiled in litigation that will involve the same issues raised in the Petition—whether the County has jurisdiction to regulate the use of radio spectrum and resolve frequency interference disputes.

Finally, a request was made for a meeting between WTB staff and Cingular Wireless, Nextel, PCS, T-Mobile and AWE to discuss this matter. The request was granted and the meeting occurred on September 12, 2002 (ex parte on file).

Pursuant to Sections 1.1206 of the Commission's Rules an original and one copy of this letter are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Jim Bugel
Executive Director-Federal Regulatory

Cc: Gary Oshinsky

No. of Copies rec'd 071
List ABCDE